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IN THE

Supreme Court of the United States

October Term, 1970
No. 856

JANEY T. GREENSPUN,

Petitioner,

vs.

THE STATE OF NEVADA, JOHN KOONTZ, SECRETARY OF STATE, STATE OF NEVADA, and THOMAS MULROY, REGISTRAR OF VOTERS OF CLARK COUNTY, STATE OF NEVADA,

Respondents.

MEMORANDUM OPPOSING CERTIORARI.

Respondent Thomas Mulroy represents to the Court as follows:

1. The above-entitled cause came before the United States Court of Appeals for the Ninth Circuit on June 30, 1970, and the court on its own motion dismissed the case as moot.

2. An opinion was rendered and judgment entered on July 31, 1970. A petition for certiorari was filed on October 15, 1970.

3. The Voting Rights Act Amendments of 1970, H.R. 4249, 38 L W 99, sets the voting age for all elections at 18 years.

4. There are at the present time four cases pending before this Honorable Court which question the constitutionality of the Voting Rights Act Amendments of 1970, including the 18-year-old vote provisions. These cases are as follows: *Oregon v. Mitchell*, No. 43 Orig.; *Texas v. Mitchell*, No. 44 Orig.; *United States v. Arizona*, No. 46 Orig.; *United States v. Idaho*, No. 47 Orig., 39 L W 3173.

5. Petitioner will be 21 years old by the date of the next Presidential election in 1972 and will therefore be entitled to vote. Petitioner does not bring the action as a class action.

6. Petitioner fails to cite any case authority in support of her Petition for a Writ of Certiorari. Respondent respectfully submits that the question presented by Petitioner is now moot. In support of its position, the Respondent cites the case of *Mills v. Green*, 159 U.S. 651, 653, 16 S. Ct. 132, 40 L. Ed. 293 (1895), wherein it is stated:

> "The duty of this court, as of every other judicial tribunal, is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it."

Also see *Manion v. Holyman*, 379 F. 2d 843 (7th Cir. 1967); *Bynum v. Burns*, 379 F. 2d 229 (8th Cir. 1967); *Fair v. Dekle*, 367 F. 2d 377 (5th Cir. 1966); *Munoz v. Amador*, 340 F. 2d 590 (5th Cir. 1965).

Therefore, it appears that Petitioner's Application for a Writ of Certiorari is moot since Petitioner will be entitled to vote at the next Presidential election. In

addition, the question of the constitutionality of the 18 year voting rights provision of the Voting Rights Act Amendments of 1970 is already before the Court.

Respectfully submitted,

ADDELIAR D. GUY,
Deputy District Attorney,
Counsel for Respondent.

GEORGE E. FRANKLIN, JR.,
District Attorney,

JOHN S. MCGROARTY,
Deputy District Attorney,
Of Counsel.